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In the United States Patent and Trademark Office

Application/CN: 10/604,360
Application Filed: 14 July 2003
Applicant: Spero, Yechczkal Evan
Title: Multiple Light-Source Illuminating System
Examiner: Bao Q. Truong
Art Unit: 2875

Thursday, January 13, 2005

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**Reply to Office Action dated Dec. 14, 04
Election/Restrictions**

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Commissioner for Patents
Washington DC

Sir:

The application is being prosecuted by the Applicant pro se and this is his first office action, my apologies in advance.

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In reply to point 1 and 2: (Restriction to one of the following inventions is required under 35USC 121 as the inventions are distinct each from the other...)

The Applicant respectfully argues that:

- 1) The present national application "Multiple Light Source Illuminating Device" 20
discloses in the specification and includes claims in the three categories of, product,
process of making, and process of use. And being that the process of making and the
product are not distinct, the process of using may be joined with the claims directed to
the product and the process of making the product even though showing distinctness.
- 2) The method of sale is directly related to the products characteristics as stated in the 25
specification " The novel lighting-application oriented approach to light-source
construction, as taught by this invention impacts on the method involved with
marketing the DLFs". As the new multiple light source illuminating device can not
best be sold in a conventional method, it is best served for its usage by a novel
method of selling particular to its characteristics. The selling is part of the process of 30
using the device and may thus be joined with the claims directed to the product and
the process.

Application: 10/604,360 (Spero) Art Unit 2875 Election/Restrictions page 2

Thus in relation to Point 2 of the Office Action, inventions I and II, (claim 13 of Point 1), may be considered to be related.

If restriction is required, then it should be to group I. Claims 1-12 and 14-19 should be examined and the non-elected invention is invention II, Claim 13.

In reply to point 3: (This application contains claims directed to the following patentably distinct species of the claimed invention. The applicant is required under 35 USC 121 to elect a single species for prosecution ... If no generic claim is finally held allowable.) 5

The Office Action has found 11 different species and asks applicant to elect one under 35 USC 121. The Applicant respectfully submits that even without the generic claim, not all the embodiments shown in the different Figs. are separate species. Before electing Species I, the applicant requests that Office Action Species I be extended to include Fig. 1, 2B, 2C and 3B. The applicant argues that the species in the above Figs. are variants. 10

Species I: Fig. 1 is a block diagram of possible elements comprising a multiple light source illuminating device. Office Action Species II, Fig. 2B is a physical embodiment based on the teachings of the multiple light source illuminating device whose generic block diagram was shown in Species I, Fig. 1. Fig. 2C is an "easy to manufacture flat pc-board configuration" of the concepts elaborated in Fig. 2C and is thus a variant. 15

Species Fig. 2A is prior art and not a species of the invention, (the applicant requests that the Examiner allow for an amendment to Fig 2A: the addition of a dividing line between 2A and 2B&C such that it is clear that 2A only is the prior art). 20

Office Action Species III: Fig. 3A is prior art and not a species of the invention, (the applicant requests that the Examiner allow for an amendment to Fig 3A: the addition of a dividing line between 3A and 3B such that it is clear that 3A only is the prior art).

Fig 3B illustrates how the same end result as the prior art fixture Fig. 3A, of having a pleasantly illuminated diffuser can be accomplished while not compromising on the energy efficiency and correct lighting output of the luminaire according to the teachings of the patent in Species I. 25

Application: 10/604,360 (Spero) Art Unit 2875 Election/Restrictions page 3

The Applicant submits that the subject matter of the inventions disclosed is connected in design, operation or effect even if the claims do not properly reflect so.

Should the generic claims be found not allowable, the Applicant respectfully requests that the Examiner write acceptable claims and linking claims pursuant to MPEP 707.07(j) such that the claims properly reflect the patentable subject matter. 5

To comply with the requirement (37 CFR 1.143) that a complete reply must include an election;

The Applicant identifies an extended New Species I, comprised of Office Action Species I, II, and III as being elected under 35 USC 121. The original claims readable thereon are Claims 1 through 12 inclusive. 10

Very respectfully,


Yechezkal Evan Spero

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Date : January 13th, 2005

Inventor's signature: 